

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2012-053440

01/04/2013

HONORABLE DANIELLE J. VIOLA

CLERK OF THE COURT

D. Ganther

Deputy

IN RE THE MARRIAGE OF
YVONNE MARIA BARTHELMES

KIMBERLEE ROSS HANDY

AND

RICHARD BRADLEY WILLIAMS

CHRISTOPHER MILLS

ALTERNATIVE DISPUTE
RESOLUTION - CCC
CONCILIATION SERVICES-NE

TRIAL SETTING

Courtroom NER 111

8:33 a.m. This is the time set for Resolution Management Conference regarding the Motion for Temporary Orders for Parenting Time, For Child Support, filed by Petitioner on October 16, 2012. Petitioner, Yvonne Maria Barthelmes, is present with above-named counsel. Respondent, Richard Bradley Williams, is present with above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court is advised that the parties have reached agreement regarding legal decision-making. There are no issues regarding division of debt or property. The only issues remaining are parenting time and child support.

Discussion is held regarding the issue of parenting time.

Discussion is held regarding the issue of parenting time.

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After discussion, both parties advise the Court that they have reached agreement as to legal decision-making and division of debt and property, which is as follows:

- § The parties shall exercise joint legal decision-making with regard to the minor children.
- § Each party shall keep the personal property currently in his or her possession.
- § Each party shall be responsible for his or her separate debt in his or her name.
- § Each party shall keep any bank accounts in his or her name.
- § The parties agree that there is no community debt, no retirement accounts, and no real property to be divided.

THE COURT FINDS that the agreement reached between the parties and as set forth on the record is binding upon the parties. The Court finds the agreement fair and equitable.

THE COURT FURTHER FINDS that the parties have knowingly, voluntarily and intelligently entered into the agreement. The parties have done so without duress or coercion, and they are fully informed as to the contents of this agreement. The agreement is in the best interest of the children.

Accordingly,

IT IS ORDERED approving the parties' agreement as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the parties shall exchange Affidavits of Financial Information within two weeks of today's date, January 18, 2013.

TEMPORARY ORDERS HEARING SET

IT IS ORDERED setting a Temporary Orders Hearing regarding child support on **January 30, 2013 at 9:30 a.m.** (30 minutes allotted) in this Division before:

The Honorable Danielle Viola
Northeast Regional Court Center
Courtroom 111
18380 North 40th Street
Phoenix, Arizona 85032

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Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than five (5) days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances;
2. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines;
3. If there are disputed legal decision-making, access or parenting time issues, a specific proposal for legal decision-making and parenting time by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), *Arizona Rules of Family Law Procedure*, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that any documents or other items intended to be submitted as exhibits at the time of the hearing shall be hand-delivered directly to the Clerk of this Division at least five (5) business days prior to the hearing. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. Exhibits submitted less than five (5) business days prior to the hearing may not be marked. The exhibits shall be submitted with a coversheet listing the cause number, which party is submitting the exhibits, and a

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description of each exhibit. Exhibits shall be separated by a sheet of **colored** paper to easily identify where one exhibit ends and the next begins.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision-making, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the Court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, *Arizona Rules of Family Law Procedure*. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT**.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division five (5) business days before the scheduled hearing.

PARENTING CONFERENCE

IT IS ORDERED the parties shall participate in a Parenting Conference. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

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IT IS FURTHER ORDERED that immediately following this hearing the parties are directed to pay the \$300 per party fee through the Clerk of the Court. The fee may be paid at the Clerk of the Court filing counter, by mail to the Clerk of the Court with a check or money order, or by telephone with the Clerk of the Court (602-506-2800) with a debit or credit card.

WARNING

IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. THE PARENTING CONFERENCE PROVIDER IS AUTHORIZED TO SCHEDULE THE CONFERENCE AND ACCOMMODATE REASONABLE SCHEDULING REQUESTS FROM THE PARTIES. IF YOUR SCHEDULING REQUEST IS NOT PERMITTED BY THE PROVIDER AND YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE IN ORDER TO AVOID FEE COLLECTION.

ALTERNATIVE DISPUTE RESOLUTION

IT IS ORDERED affirming the Settlement Conference set for **May 7, 2013 at 9:30 a.m.** before Judge Pro Tempore Lisa Counters. Counsel and/or the parties will receive a notice from ADR setting forth the necessary settlement conference information. Counsel and/or the parties should notify ADR (602-506-7884) when the parties reach an agreement prior to the scheduled settlement conference.

TRIAL SETTING ORDER

IT IS FURTHER ORDERED setting Trial to the Court on **June 6, 2013 at 9:00 a.m.** (2 hours allotted) in this Division before:

**The Honorable Danielle Viola
Northeast Regional Court Center
Courtroom 111
18380 North 40th Street
Phoenix, Arizona 85032**

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Failure of a party to appear may result in the Court allowing the party who does appear to proceed by in the other party's absence. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

DISCLOSURE/DISCOVERY

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.
2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to trial.
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. If there is a current court order prohibiting contact of the parties or a significant history of domestic violence between the parties, the parties shall not be required to personally meet or contact each other in violation of the court order, but the parties and their counsel shall take all steps reasonable under the circumstances to resolve as many issues as possible prior to the trial.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

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If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

JOINT PRE-TRIAL STATEMENT

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than five (5) days prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed legal decision-making, access or parenting time issues, a specific proposal for legal decision-making and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

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8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), *Arizona Rules of Family Law Procedure*.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), *Arizona Rules of Family Law Procedure*, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS

IT IS FURTHER ORDERED that any documents or other items intended to be submitted as exhibits at the time of the Trial shall be hand-delivered directly to the Clerk of this Division **at least five (5) business days prior to the hearing**. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. Exhibits submitted less than five (5) business days prior to the hearing may not be marked. The exhibits shall be submitted with a coversheet listing the cause number, which party is submitting the exhibits, and a description of each exhibit. Exhibits shall be separated by a sheet of **colored** paper to easily identify where one exhibit ends and the next begins.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

FINDINGS OF FACT

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision-making, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the Court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be

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submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

SETTLEMENT

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, *Arizona Rules of Family Law Procedure*. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

POSTPONEMENTS AND SCHEDULE CHANGES

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division five (5) business days before the scheduled hearing.

IT IS FURTHER ORDERED signing this Minute Entry as a formal written order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ Danielle Viola

HONORABLE DANIELLE VIOLA
JUDGE OF THE SUPERIOR COURT

FILED: Acknowledgment and Notice of Parenting Conference (2)

8:52 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.